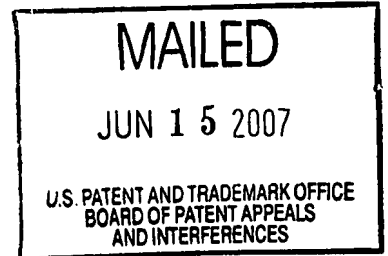


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRUNO GIBELLO

Application 09/926,415



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on May 29, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

On August 15, 2005, the Examiner entered a Final rejection of claims 1-2, 6-7, 11, 15, 19, 22, and 24-29. In an Amendment filed on November 15, 2005, claims 25 and 27 were cancelled.

The Examiner's Answer

On August 21, 2006, Appellant filed an Appeal Brief. On February 20, 2007, the Examiner mailed an Examiner's Answer in response to Appellant's Brief. On page 5, section (9) under the heading of "Grounds

Application 09/926,415

of Rejection,” the Examiner rejects claims 1, 2, 6, 7, 11, 15, 19, 22, and 24-29. In this rejection, the Examiner includes claims 25 and 27 which were cancelled per Appellant’s Amendment filed on November 15, 2005. There is no claim 29 pending or on appeal.


Accordingly, it is

ORDERED that the application is returned to the Examiner for resolution of the following issue:

(1) to clarify which claims are presently on Appeal in the Grounds of Rejection heading; and

(2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
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PJN:clj

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